

Message Text

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PAGE 01 ISTANB 03956 021545Z
ACTION EUR-08

INFO OCT-01 ISO-00 SS-14 INR-05 HA-02 L-01 SP-02

MCT-01 PRS-01 /035 W

-----033479 021550Z /50

R 021324Z DEC 77 ZFF5

FM AMCONSUL ISTANBUL

TO SECSTATE WASHDC 9466

INFO AMEMBASSY ANKARA

AMCONSUL IZMIR

AMCONSUL ADANA

LIMITED OFFICIAL USE ISTANBUL 3956

STADIS////////////////////////////////

LIMDIS

E.O. 11652: N/A

TAGS: PGOV, SHUM, TU

SUBJ: SITUATION OF ARMENIANS IN TURKEY

REF: STATE 280705

1. FOLLOWING IS INFORMATION ON FOUR INCIDENTS RAISED BY
ARMENIAN NATIONAL COMMITTEE WITH DEPARTMENT:

(A) AS REPORTED ISTANBUL 3253, KEVORK ORFALIYAN WAS ARRESTED IN
SEPTEMBER ON SUSPICION OF BEING ENGAGED IN ARMENIAN TERRORIST
ACTIVITY. FIRST HEARING OF HIS TRIAL WAS HELD NOVEMBER 30, AND
HE WAS, ACCORDING TO NEWSPAPERS, CHARGED UNDER ARTICLES 140 AND
125 OF TURKISH CRIMINAL CODE. ARTICLE 140 PROHIBITS PUBLICATION
ABROAD OF "UNTRUE, MALICIOUS OR EXAGGERATED RUMORS OR NEWS ABOUT
THE INTERNAL SITUATION OF THE STATE SO AS TO INJURE ITS REPUTA-
TION OR CREDIT IN FOREIGN COUNTRIES," OR CONDUCTING "ACTIVITIES
HARMFUL TO THE NATIONAL INTEREST"; VIOLATION CARRIES MINIMUM
PENALTY FIVE YEARS IMPRISONMENT. MORE SERIOUS CHARGE IS ARTICLE
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125 WHICH PROHIBITS ACTS DESIGNED TO "PUT THE ENTIRE OR A PART
OF THE TERRITORY OF THE STATE UNDER THE SOVEREIGNTY OF A
FOREIGN STATE OR TO DECREASE THE INDEPENDENCE OR TO DISRUPT THE
UNION OF THE STATE OR TO SEPARATE A PART OF ITS TERRITORY FROM THE
ADMINISTRATION OF THE STATE; "CONVICTION UNDER THIS STATUTE CALLS FOR
DEATH PENALTY. AFTER HEARING, ORFALIYAN WAS RELEASED ON
BAIL ALTHOUGH ORDERED NOT TO LEAVE COUNTRY, AND COURT SET

FEBRUARY 15, 1978 AS DATE TO BEGIN TRIAL. HEARING WAS ATTENDED BY ORFALIYAN'S MOTHER WHO RESIDES IN ITALY AND HIS UNCLE, A U.S. CITIZEN. A MONTH OR SO BACK, BOTY CAME TO CONGEN SEEKING INFORMATION ON KEVORK ORFALIYAN CASE. WE PROVIDED AMCIT UNCLE WITH LETTER IDENTIFYING HIM AS S.S. CITIZEN FOR HIS POSSIBLE USE IN OBTAINING PERMISSION TO SEE HIS NEPHEW. IN ADDITION, WE PROVIDED THEM WITH ATTORNEY LIST. THEY HAVE REQUESTED NO FURTHER ASSISTANCE FROM US. KEVORK ORFALIYAN'S MOTHER CARRIES LIBYAN PASSPORT; ORFALIYAN WE UNDERSTAND IS STATELESS PERSON APPARENTLY TRAVELING ON ITALIAN IDENTITY DOCUMENT.

(B) REFTEL WAS FIRST WE HAVE HEARD OF AUGUST 15 INCIDENT AT CEMETERY. IT APPARENTLY DID NOT ATTRACT MEDIA ATTENTION, AND DURING CONSUL GENERAL'S LONG DISCUSSION WITH ARMENIAN PATRIARCH A FEW WEEKS AFTER INCIDENT, SUBJECT WAS NOT MENTIONED. WE NOTE, THAT DURING THAT MEETING PATRIARCH DID STATE THAT HE WAS GENERALLY SATISFIED WITH SECURITY PROVIDED BY TURKISH POLICE AND FROM REFTEL THEY WERE APPARENTLY IN PRESENCE DURING ALLEGED INCIDENT. (ISTANBUL 3253).

(C) AFTER BOMBINGS IN KUMKAPI, CONGEN OFFICERS INSPECTED DAMAGE, AND WE HAVE NO FURTHER INFORMATION TO ADD TO OUR REPORT ON INCIDENT (ISTANBUL 2893.).

(D) WE HAVE NO INFORMATION ON STATUS OF CHURCH IN KEREKKAN, BUT WILL ATTEMPT TO FIND OUT ABOUT IT FROM SOURCES HERE.

2. COMMENT: IN RELEASING ORFALIYAN, APPEARS COURT IN EFFECT RULED THAT PUBLIC PROSECUTOR'S EVIDENCE ON ARTICLE 125 LIMITED OFFICIAL USE

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CHARGE DID NOT WARRANT CONTINUED DETENTION. MILLIYET NEWSPAPER'S ARTICLE INDICATED THIS WAS CASE, AND LOCAL ATTORNEY WE CONSULTED ON MATTER INTERPRETED COURT ACTION SAME WAY, STATING THAT OTHERWISE COURT WOULD NOT HAVE RELEASED DEFENDANT CHARGED WITH CAPITAL OFFENSE. PRESENTING INFORMATION CONTAINED IN SECTION A OF PARA 1, WE FEEL DEPARTMENT CAN INFORM ARMENIAN NATIONAL COMMITTEE THAT INITIAL INDICATIONS ARE THAT ORFALIYAN, DESPITE POLITICAL SENSITIVITY OF HIS CASE, IS RECEIVING IMPARTIAL TREATMENT BY TURKISH COURT SYSTEM. END COMMENT

3. IN DEPARTMENT RESPONSE TO ARMENIAN NATIONAL COMMITTEE, WE WOULD PREFER TO PRESERVE CONFIDENTIALITY OF PATRIARCH'S COMMENTS TO CONSUL GENERAL, BUT WOULD HAVE NO OBJECTION DEPARTMENT INFORMING COMMITTEE THAT IS OUR IMPRESSION THAT PATRIARCH IS GENERALLY SATISFIED WITH PROTECTION PROVIDED BY TURKISH POLICE. IT WOULD BE HELPFUL TO US TO KNOW IF THIS IS CONTRARY TO COMMITTEE'S PERCEPTION OF HIS POSITION. CONGEN HAS NO OBJECTION TO RELEASE OF SUBSTANCE ISTANBUL 2893 REGARDING BOMBINGS. HOUGHTON

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Message Attributes

Automatic Decaptioning: Z
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: POLITICAL SITUATION, MINORITIES
Control Number: n/a
Copy: SINGLE
Sent Date: 02-Dec-1977 12:00:00 am
Decaption Date: 22 May 2009
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977ISTANB03956
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770447-0988
Format: TEL
From: ISTANBUL
Handling Restrictions:
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t197712101/aaaadhpl.tel
Line Count: 113
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: f9d8cefb-c188-dd11-92da-001cc4696bcc
Office: ACTION EUR
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: STADIS, LIMDIS
Original Previous Classification: n/a
Original Previous Handling Restrictions: STADIS
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: STADIS, LIMDIS
Reference: 77 STATE 280705
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 11-Mar-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 105919
Secure: OPEN
Status: NATIVE
Subject: SITUATION OF ARMENIANS IN TURKEY
TAGS: PGOV, SHUM, TU
To: STATE
Type: TE
vdkgvwkey: odhc://SAS/SAS.dbo.SAS_Docs/f9d8cefb-c188-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009